

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARINGS*
THURSDAY, January 25, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting with **PUBLIC HEARINGS** on Thursday, January 25, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/ixn-bhfc-ize or by phone (US)+1 318-467-6250 PIN: 521 754 537#.. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's SPECIAL meeting, December 19, 2023

Communications:

PUBLIC HEARING #1

Application for Roof Mount Solar Array 100.8 DC KW from Stony Kill, Inc., 343 Route 295, Tax ID 56.-1-50

PUBLIC HEARING #2

Application for a Setback Variances for Goold Family Properties, LLC, 17 Goold Road, Tax ID 34.-1-25.100

OLD BUSINESS

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID 35.-1-3.120

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22

NEW BUSINESS

Application for Setback Variances from Christian Brady & Jennifer Murphy for property located at 51 Eberle Road., Tax ID 14.17-1-19

OTHER BUSINESS:

Kent Pratt, Chief Enforcement Officer, Building Dept., requested discussion of definitions of Bed & Breakfasts in light of Home Operation permits.

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, February 22, 2024 (deadline for materials Feb 12)

Adjournment

Dated 1/11/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a **PUBLIC HEARING** on Thurs, January 25, 2024, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review Applications for 1) variance for roof-top solar array from Stony Kill LLC, 343 Rte 295, 56.-1-50; and 2) variances from Goold Family Properties, LLC, 13 Harris Road, Tax ID#34.-1-25.100. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/ixn-bhfc-ize or by phone (US)+1 318-467-6250 PIN: 521 754 537#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 1/15/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARINGS
THURSDAY, January 25, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Jody Rael, applicant StonyKill Inc.
Stephen Day, Deputy Chair ("SD")	Dmitri Yephikin, rep for Goold applicants
Adrian Ooms ("AO")	Rich Sardo, rep for Dymond applicants
Lee Gagne ("LG")	Marty Zaretsky, applicant
Melissa Voorhees Rouse ("MR") Remotely	Chris Brady, applicant
Donal Collins, Town Supv., remotely	Ann Formel, Town Building Dept., remotely
Angus Eaton, Town Council liaison	
Kent Pratt, Town Bldg Dept	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Dan Persing, Chairman, called the meeting to order at 7:00 pm, and described the process for the three public hearings that the public can speak during the designated public hearings on the applications. After the public hearings for each are closed, the public meeting will ensue when the board continues to review the applications and the public may observe only. He asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the four members present. Only members present in person can vote.

Chairman asked the clerk to read the public hearing notice that was published. He then moved to open the first public hearing LG seconds, no further discussion, all in favor, public hearing opens at 7:18pm.

PUBLIC HEARING #1

Application for Roof Mount Solar Array 100.8 DC KW from Stony Kill, Inc., 343 Route 295, Tax ID 56.-1-50 Chairman invites Jody Rael to recap the description of his application which he explains is to expand the existing solar panels on the roof of his commercial building to 100kw to provide the energy for the new heat pumps recently installed. Chairman asks what the total height of the building will be including the new panels, and Jody replied they will be lower than the existing heat pumps which are at 26 feet. LG weighs in that this will hopefully be the first and last time to review such a proposal because it is expected the code will shortly be revised to allow such installations. Chairman asks for any public comment; there being none, he moves to close the public hearing at 7:12pm, LG seconds, no further discussion, all voted in favor, motion to close the public hearing at 7:13pm. Chairperson further moves that this application has been deemed at Type II action regarding SEQRA, SD seconds, no discussion, all voted in favor, motion carries.

Chairman states this application went on longer than he would have liked due to the lack of local law that allowed review of this type of solar installation. Chairman says they are going to move to change the application type from an interpretation of the local law to a request for variance, and the applicant agrees. LG moves to grant a variance as requested by the applicant for a 100KW solar roof top array, SD seconds, without further discussion, all voted in favor, motion is granted for a variance. Chairman explains a resolution will be filed with the Town Clerk to memorialize the decision.

PUBLIC HEARING #2

Application for a Setback Variances for Goold Family Properties, LLC, 17 Goold Road, Tax ID 34-1-25.100 Chairman moves to open the public hearing in this matter, LG seconds, no discussion, all voted in favor, public hearing opens at 7:21 pm. Dmitri Yepikhin repeats the purpose of the application for the public that the Goold Family Properties, LLC are attempting to subdivide their approximately 100 acre plot into 4 separate plots. At the Planning Board meeting November 14, 2023, determined that they needed to apply for setback variances from the Zoning Board, requiring public hearings for both boards; and at the Planning Board's January 9 meeting they determined the application complete pending the Zoning Board's approval of the variances at tonight's meeting/public hearing.

Chairman describes the variances being requested and asks if anyone in the public has any comments; there being none, LG moves to close the public hearing; SD seconds, no further comment, the motion carries to close the public hearing at 7:31 pm. Chairman then moves to declare this application a Type II for SEQRA, LG seconds, there being no further discussion, all vote in favor and the motion passes.

Chairman then applies the 5 criteria questions to the variances as a group, the first 4 of which were answered NO with discussion, and the last question as YES, it is self-created due to the subdivision lines. No further discussion from the board members. Chairman proceeds to request motions for each setback:

1. Well near pond behind garage for a 5' setback variance: Chairman says the board members are not convinced it's necessary but in order to assist the Planning Board, he moves to grant the applicant's request for a 5' variance, LG seconds, no further discussion, all vote in favor, motion carries to approve the variance.
2. Corner of house on parcel 1 for a 5' setback variance: Chairman moves to grant this variance; LG seconds; no further discussion, all in favor, motion carries to approve the variance.
3. Corner of the office on parcel 2 for a 5' setback variance; Chairman moves to grant this variance; LG seconds; no further discussion, all in favor, motion carries to approve the variance.
4. Septic on house parcel 1 for approximately 20' setback variance. Chairman states it is the opinion of this board that it is not required, but will do so in order to assist the Planning Board. LG moves to grant the setback variance of 20', Chairman seconds, no further discussion, all vote in favor, motion carries to approve the variance.
5. Septic on office on parcel 1 for a 25' setback variance, Chairman moves to grant the request for the variance of 25' of the septic of the office on parcel 2. Chairman repeats that the opinion of the board is that both septic variances are not necessarily required but are doing so in order to assist the Planning Board in their decision. LG seconds, no further discussion, all in favor, motion carries to approve the variance.

Chairman explains that a resolution will be filed with the Town Clerk. He further says that the notification letters were sent for the Planning Board application and wants to note that the public hearing notice was published for this application which is sufficient to give notice to the same individuals.

OLD BUSINESS

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID 35.-1-3.120 Mr Zaretsky describes a shed that he installed 4-5 years ago that was placed within the setback from the center of the road. He installed a long row of trees along the road for privacy as well as to protect drivers from distraction on the curve of the road. He recently obtained a survey showing all the structures as this board requested. Chairman describes how they will review tonight whether the application is complete in order to move to a public hearing at the February 22 meeting. He then asks the board if there are any additional questions. SD states he has submitted an appropriate map to clarify the distances between the structures which was required by the board. Chairman describes that our local law states we add 25' to distances required on town roads. You are along a state road. We think we should consider a 75' distance and grant you a 21' variance to cover you. SD says he thought it would be 20 feet from what they substantiated at last meeting, but agrees 21 feet would provide extra insurance. Chairman asks if he is ok amending his application to increase his variance request from 20 feet to 21 feet, and Mr. Zaretsky agrees. LG moves to deem the application complete and amended to a 21 foot variance, SD seconds, no further discussion, all in favor, application deemed complete. Chairman then directs the clerk to publish a public hearing for the Feb 22, 2024, meeting and advises the applicant to send neighbor notification letters with a list to be provided by the clerk and bring the receipts to the clerk. Chairman then moves to deem the application as a Type II action for SEQRA, SD seconds, no further discussion, all in favor, motion carries.

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22 Chairman says this is on the agenda because we have not yet deemed the application complete. He recognizes Rich Sardo on the phone who says he hopes to find out what he had expected to hear at the November meeting. Chairman says they had wanted to be sure of sufficient distance between the well and the septic. The County DOH did not have records going back far enough to provide confirmation of the installation, so in terms of the application with the location approximated by the owner showing on your map, we will rely on that, (109.9) distance between the well & septic. The other part of this is the acreage on this parcel is 0.46 which is below the minimum lot size of 1.5 acres so we need to examine that as well. It was created when Rte. 203 was put in and essentially cut off this from the larger parcel across the street. Chairman asks if there is a present plan to replace the dilapidated manufactured home and, if so, does he foresee that a variance might be necessary in that case? Mr. Sardo said it had been discussed w the Planning Board that the owner might replace that but he doesn't believe it will require a variance because he got an area allowable from the or Building Dept. SD says he recalls a discussion that the existing trailer would be replaced by a larger similar structure on the same spot as the existing trailer. AO concurs. SD asks if that needs to be part of the discussion? Chairman says he will leave it to the Planning Board to determine that and this board will review this application. Chairman asks for any other questions, there being none, he moves the application is complete and ready for a public hearing at the February 22 meeting. He further asks the clerk to publish the public hearing; LG seconds, no further discussion, all in favor, motion carries that application is complete. Mr. Sardo says he will send neighbor notification letters and return receipts to the clerk, but asks if he can participate remotely at the next meeting as he'll still be away. Chairman says he believes there is no law that applicants or representatives have to be at the meeting in person, and agrees he can participate remotely next month. Chairman then moves to deem the application as a Type II action for SEQRA, SD seconds, no further discussion, all in favor, motion carries.

NEW BUSINESS

Application for Setback Variances from Christian Brady & Jennifer Murphy for property located at 51 Eberle Road., Tax ID 14.17-1-19 - Chris Brady, applicant, describes two proposed actions on a small, 50' wide lot (RL1 zone). One is for an extension on the house and the other is for a garage that will be a permanent structure vs a "shed" (which wouldn't need a variance). Because Eberle Rd is a town road and requires 50' plus the town's 25' from the center, the board determines the variances requested

for the garage are 50' on the front, 44' on the left and 18' on the right. The variances requested for the extension on the house are 50' on the front, 34' on the left, 38' on the right and 17' to the center of the road.

LG moves the application is complete for the stated setback variances at 51 Eberle Rd, tax id 14.-17-1-19 with the condition of answering #16 on the SEAF regarding if it's in the flood plain (Angus recommends checking links in the application folder on the town website); Chairman seconds, no discussion, all in favor, motion passes. Chairman advises the clerk to publish a public hearing for the February 22, 2024, meeting and describes the notification letter process to the applicant. Chairman then moves to deem the application a Type II action for SEQRA; LG seconds, no further discussion, all in favor, motion passes.

APPROVAL OF MINUTES: from prior month's "Special" meeting, December 19, 2023 LG moved to accept the minutes as written, SD seconds, no further discussion, all in favor, minutes approved as written.

OTHER BUSINESS:

1. Continuing discussion of response to American Tower re Resolution dated March 2019 - Chairman still working on draft to submit with Tal's review and will circulate it to the members by the next meeting.

2. Kent Pratt, Chief Enforcement Officer, Building Dept., requested discussion of definitions of Bed & Breakfasts in light of Home Occupation permits. Kent describes 2 residents who operate Bed & Breakfasts in town, who they live in their homes and provide meals and were given permits for Home Occupations from the Planning Board. They do not feel they should now have to apply for Short Term Rental ("STR") permits. As the town Zoning ordinance now stands, Bed & Breakfasts ("BNB") are not listed as a permitted use. In his opinion, if it's not listed, it's prohibited. The definitions were added in 1999 but nothing was added to permitted uses or permitted with a special use permit in any zones. Do you agree that as approved Bed & Breakfasts, they should not have to apply for STR licenses and can continue as they operate now? LG says NYS changed the classification of a BNB, do they meet NYS regulations? Kent says likely yes, as they were reviewed by the Planning Board for the 7 criteria. If they hadn't been able to meet all 7 questions, they would have had to go to the appropriate board for further review (site plan or special use permit). LG continues he would agree they are pre-existing and can't be forced to do something new as they had done everything necessary for the Home Occupation permit. SD agrees if they would not qualify for the STR by definition. LG says the Zoning Update Committee will need to add this question to the list of things to be updated. It should have been added to the code as a use specified in certain zones. Chairman agrees it's a pre-existing, non-conforming use. Supervisor agrees with the Zoning Board that we should not compel them to change their use to STR and proceed to update the code very soon. Chairman asks if BNB will have to be written out of the home occupation category? Angus weighs in that it could still fall under the umbrella of home occupation as many other types of occupations could. BNBs could be a subset of a home occupation assuming it meets the criteria. SD says there can be many home occupations not listed but which would apply under the broader definition and criteria of home occupation. Kent says it makes him wonder why in 1999 the definition was added to the code without further mention in the code. Chairman then asks if we should keep BNB as a separate designation from STR? If so, will it be permitted under the umbrella of the Home Occupation category?

Kent mentions that EV charging stations should also be added to the list for the Zoning Update Committee to review. He thanks the board for the discussion.

Next Meeting Date: Thursday, February 22, 2024 (deadline for materials Feb 12)

Adjournment Chairman moves to adjourn, LG seconds, no further discussion, all in favor, meeting adjourns 9:12 pm.

Respectfully submitted

Dated 2/6/24

P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS 1/25/24 7PM**

Please print your name and address clearly for official Public Records.

JODY RAEZ 143 LEXINGTON RD OLD CHATHAM

CHRISTIAN BRADY 51 EBERLE RD VALATIE NY

Dmitri Gephlin 13 Court Rd Chatham NY

ANGUS EATON 85 WHITE RD OLD CHATHAM 12136

Kent Pratt 202 WADSWORTH 1 Km E. Chatham

Marty Zaretsky

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARINGS*
THURSDAY, February 22, 2024, 7PM
AGENDA

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The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, January 25, 2024

Communications:

PUBLIC HEARING #1

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID 35.-1-3.120

PUBLIC HEARING #2

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22

PUBLIC HEARING #3

Application for Setback Variances from Christian Brady & Jennifer Murphy for property located at 51 Eberle Road., Tax ID 14.17-1-19

OLD BUSINESS

NEW BUSINESS

OTHER BUSINESS:

Continuing discussion of response to American Tower re Resolution dated March 2019

Next Meeting Date: Thursday, March 28, 2024 (deadline for materials Mar 18)

Adjournment

Dated 1/12/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled **PUBLIC HEARINGS** on Thurs, February 22, 2024, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review applications 1) Variance from Martin Zaretsky, lessee, 3941 State Rte 66 Tax ID 35.-1-3.120; 2) Variances from Dale & Linda Dymond, 4431 State Route 203, Tax ID 14.1-1-22; 3) Variances from Christian Brady & Jennifer Murphy, 51 Eberle Road, Tax ID 14.17-1-19. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/pcq-ghvo-kus or by phone (US)+1 929-243-4015 PIN: 767 265 825#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 2/1/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARINGS
THURSDAY, February 22, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Vance Pitkin
Stephen Day, Deputy Chair ("SD")	Garry Smith
Adrian Ooms ("AO")	Rich Sardo, rep for Dymond applicants ("RS") Remotely
Lee Gagne ("LG")	Marty Zaretsky, applicant
Melissa Voorhees Rouse ("MR") Remotely	Chris Brady, applicant ("CB")
	Jennifer Murphy, co-applicant Remotely

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Dan Persing, Chairman, called the meeting to order at 7:07 pm and described the process for the three public hearings vs the public meeting. The public can speak during the designated public hearings on the applications. After the public hearings for each are closed, the public meeting will ensue when the board continues to review the applications and the public may observe only. He asked all to stand for the Pledge of Allegiance to the Flag. He then introduced the board members and established a quorum with the four members present. Only members present in person can vote.

Chairman asked the clerk to read the public hearing notice that was published. He then tabled the approval of the minutes to after the public hearings, and he changed the order of the public hearings to Brady/Murphy going second and Dymond going third.

PUBLIC HEARING #1 Chairman moved to open the first public hearing LG seconds, no further discussion, all in favor, public hearing opens at 7:11pm.

Application for Setback Variance from Martin Zaretsky, lessee of property located at 3941 State Rte 66 Tax ID 35.-1-3.120 Mr. Zaretsky comes forward and recaps the variance of 21' from the center of the road being sought for the shed he installed in 2019. Chairman confirms the 21' variance which was amended from the original application at the last meeting with MZ's acceptance. Chairman then asks for anyone to comment from the public. There being none, SD moves to close the public hearing, LG seconds, no discussion, all in favor, public hearing closed at 7:15 pm. The public meeting resumes. SD asks for confirmation that notification was sent to his neighbors and if anyone responded. MZ said letters were sent, no responses, and receipts were turned in to the clerk. Chairman then asks the board for any further comments from the board. There being none, he launches into the 5 criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Board agrees it doesn't appear to create an undesirable change.
2. Whether the benefit sought can be achieved by a method other than a variance? MZ says it was the best location at the time without considering the setback requirement.
3. Whether the requested area variance is substantial, a 21 feet variance of 75 feet required is less than 30%. Chairman says it could be deemed substantial.
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood. Board feels there is no adverse effect.
5. Whether the difficulty was self created. Chairman says people don't come to this board unless it is self-created; this is routinely answered yes.

LG moves to approve a 21' variance for Mr Zaretsky lessee of property located at 3941 State Rte 66 Tax ID 35.-1-3.120, SD seconds, no further discussion, all in favor, variance approved.

Chairman advises the board's resolution will be filed with the town clerk regarding the decision and that it will stay with the property.

PUBLIC HEARING #2 LG moved to open the second public hearing, SD seconds, no further discussion, all in favor, public hearing opens at 7:28pm.

Application for Setback Variances from Christian Brady & Jennifer Murphy for property located at 51 Eberle Road., Tax ID 14.17-1-19 Mr. Brady repeats the setback numbers for both the garage and house extension he is proposing. Chairman asks for any public comment. There being none, he moves to close the public hearing, LG seconds, no further discussion, all in favor, the public hearing is closed at 7:30 pm. The board asks CB if he found the answer to #16 on the SEAF. He said he used his tax ID on the DEC website and found it was not indicated to be in a flood plain. His SEAF will be amended and added to the application. SD asked if the letters had been sent to his neighbors. CB said yes, with no responses, and the receipts had been returned to the clerk. Chairman then reviews the 5 criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Board agrees it does not as it is well within the context of the neighborhood. It is near the lake where the population density is high.
2. Whether the benefit sought can be achieved by a method other than a variance? Board agreed it could not because of the very small lot sizes.
3. Whether the requested area variance is substantial. Board said they were substantial: 50', 44', 34', etc.
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood. Board feels there is no adverse effect.
5. Whether the difficulty was self created. Chairman says yes, they are self-created.

LG moves to accept the variances for the Brady/Murphy applications as follows: for the garage 50' on the front, 44' on the left and 18' on the right; as well as for the extension on the house 50' on the front, 34' on the left, 38' on the right and 17' from the center of the road. Chairman seconds, no further discussion, all in favor, the variances are granted. Chairman explains a resolution will be prepared with the approved minutes for tonight's meeting for filing with the town clerk and will remain with the property.

PUBLIC HEARING #3

Application for Setback Variances Part II from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22 LG moves to open the public hearing, Chairman seconds, no

further discussion, all in favor to open the public hearing at 7:42 pm. Chairman asks for public comments; and asks Rich Sardo, the surveyor/applicant representative, to recap the application. They are seeking more than a setback variances, an area variance from the subdivision because of the smaller parcel to be subdivided is less than one third of the entire parcel; the setbacks being sought are for improvements that were created prior to current zoning regulations; i.e. septic location a well location and in relation to the property line. Any others? Chairman says we need to know whether the septic and well are within the prescribed distances of the zoning law, 100' between the two; the setback on the well from the property line needs to be determined. RS believes the distances are located on the drawing. We're using the distance from the septic closest to 203 that you have put dimensions on the map. We don't have the tank location in ref to the property lines; we have the well to the tank, but not the tank to the property lines. I know the tank is closer to the prop line than the trailer. Chairman says it's better to have it on the map that the public can see. RS thought from the last meeting that the locations on my map were going to be accepted. and doesn't know what the setback is from the tank to the property line. Chairman explains that the board can deem an application complete by the bare minimum of the applicant's attempt to ascertain where the structures are, but in conjunction with what the PB is reviewing re the subdivision, there is no specificity as to where those are located. When the board actually votes on the variances, if they're not where they are supposed to be, then we may have issues because we cannot go less than what the town has in terms of the zoning law, so a specific location of those items is necessary. Additionally, when you were at the PB, the issue also was whether they are still in use. RS doesn't believe they are in use right now, nor what state of repair they are in. Chairman says we attempted to find out more from the County Dept of Health who didn't have records. To be honest, the DOH setbacks are actually less than what the Town has, and we have to go by the Town's limits. I think the public would want to know where these are located. Another issue is if the parcel is in the 100-year floodplain. RS doesn't believe it's in the flood plain. He submitted the EAF map. LG said the EAF mapper summary report was that digital mapping was incomplete for the 100-year floodplains and wetlands and to refer to the EAF workbook. RS said the answer on the SEAF, #16, was yes, it is in the 100-yr flood plain because the larger part of the parcel is in the floodplain and a wetland. Chairman says there needs to be some clarification because the SEAF submitted for this variance doesn't state it's for the larger parcel.

Chairman thinks they need to be exactly located and recommends leaving the public hearing open until these items can be provided. How do the other members of the board feel? SD concurs specific information is needed as in other variance applications. Also should know if it's a leach field that is part of that system. LG doesn't know how far the functional septic tank is from the property line and what type of system it is because there are different requirements for different systems - a leach field requires shorter separation from a well than a cistern or dry well system - so that any variance can be debated successfully.

Chairman moves to continue the public hearing to allow Mr. Sardo to provide that information. PB suggested an engineer locate the septic & well and to make determination if they are still useful. These are important in terms of what we are considering to grant. SD seconds, LG says someone reputable in the industry could provide info on location and condition, not necessarily an engineer. No further discussion, all in favor, public hearing will remain open for the meeting that RS advises he will be ready. RS says he will consult the applicant and let the board know.

Chairman feels this is more of an interpretation of what the PB is doing since they have declared lead agency (similar to what was done for the Goold subdivision and variances). Further discussion ensued if subdivision could be granted by the PB without ZB approval. SD believes the initial application for

subdivision was contingent on making this subdivided portion a viable, rentable or sellable property. LG said much depends on the septic functionality.

APPROVAL OF MINUTES FROM JANUARY 25, 2024 Zoning Board meeting: Chairman moves to accept the minutes from January 25, 2024, LG seconds, no further discussion, all in favor, minutes accepted as written.

OTHER BUSINESS:

Continuing discussion of response to American Tower re Resolution dated March 2019 - Chairman says after much thought, he wonders if a letter needs to be written at all; what would be accomplished? SD says it would notify them of our position; LG instead recommends making it an internal rule for future applications so the Building Dept. knows (and others) to check resolutions on file with the Town Clerk before proceeding with granting applications.

Discussion of County Planning list of exempt actions from Planning and Zoning boards. Tal is still working on compiling the list of current exempt actions and will present recommendations for further actions.

Adjournment LG moves to adjourn; SD seconds, no further discussion, all in favor, meeting adjourns 8:25pm.

Next Meeting, Thursday, March 28, 2024 (deadline for materials March 18)

Respectfully submitted
Dated 3/2/24
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date:

THURS., 2/22/24 7PM

Please print your name and address clearly for official Public Records.

GARRY D. Smith

VANCE PITKIN III WHITE BRIDGE RD. O.C.

CHRISTIAN BRADY 20 CRESCENT ST SAG HARBOR NY 11963

NOTICE OF MEETING CANCELLATION

Zoning Board of Appeals

Town of Chatham

Columbia County

New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham meeting scheduled for Thursday, March 28, 2024, has been cancelled.

Zoning Board

3/21/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, April 25, 2024, 7PM
AGENDA

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The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, February 22, 2024

Communications: Email from Richard Sardo, representative for Dymond Subdivision application that they are suspending their application at this time.

NEW BUSINESS:

*Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr.
Tax ID 47.2-1-15 & 47.2-1-16*

Application for minor subdivision front lot width variance from Roger Smith for property located at 493 State Route 295, Tax ID #56.-1-9.3

OTHER BUSINESS:

Next Meeting Date: Thursday, May 23, 2024 (deadline for materials May 13)

Adjournment

Dated 4/15/2024
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, APRIL 25, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Roger Smith, applicant
Stephen Day, Deputy Chair ("SD")	DeVile Cohen, representing applicant Josh Thorson
Adrian Ooms ("AO")	Kent Pratt, Chatham Code Enforcement Officer
Lee Gagne ("LG")	Donal Collins, Chatham Supervisor
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

The Chairman, called the meeting to order at 7:09 pm and described the process for the public meeting where the board reviews the applications for completeness and the public may observe only. If deemed complete, they will move to a public hearing at the next meeting where the public is invited to speak. He then introduced the board members and established that a quorum was present then asked all to stand for the Pledge of Allegiance to the Flag.

NEW BUSINESS:

Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16 DeVile Cohen (DC), applicant representative, describes the application. In the back of the property is an existing structure in bad condition that they wish to replace, to 24 x 50', larger on one side but retaining the same 10' from the property line. SD asks if there will be septic for habitation. DC says no, only electricity. LG asks about the 2 separate lots. DC says they own both lots but the existing structure and the replacement will stay within this one lot. LG continues that the structure goes over a lot line on the other parcel with separate tax id, but you own both. Kent Pratt weighs in that the 2 lots have been combined into one tax ID now. SD asks if it's correct that the variance being requested is on the side of the proposed new structure? DC confirms and adds that the new structure will go over the same footprint of the existing but be wider to one side, requiring the variance of 15' to the left side, but maintaining the same distance of 10' from the lot line. LG says it looks like the back lot is the second tax ID. Does it need a variance? The Planning Board is currently considering their application to combine the lots. LG asks how they access the property. DC describes the driveway. LG asks what type of building. DC says it will be a pre-fab type like pole barn or something similar to be used mostly for storage, tools, a workshop. The board deliberates about the correct distance of the variance and explains to the applicant the decision will be conditioned on the fact that the lots will be combined into one lot.

Chairman asks the applicant to review the unanswered questions on the SEAF. DC makes the entries and initials and dates them which will be added to the file. With that amendment, Chairman moves that the application is complete, LG seconds, no further discussion, all in favor, application deemed complete.

Chairman explains that a public hearing for the May 23, 2024, meeting will be published with notification letters to be sent by the applicant to owners within 250' of their parcel, returning the receipts to the clerk by the next meeting. Chairman further explains there are 5 criteria the board will consider at that meeting before they make their decision.

Chairman moves to deem this application a Type II for SEQRA, LG seconds, no further discussion, all in favor, motion carried to deem it a Type II for SEQRA which means they don't have to declare a lead agency to examine this application. When it is simply a variance, the board can review it without other agencies' input.

Application for minor subdivision front lot width variance from Roger Smith for property located at 493 State Route 295, Tax ID #56.-1-9.3 Roger Smith (RS) describes he is subdividing his property for another lot for his daughter's house. Planning Board advised he needs 300' road frontage in RL3, but this drawing has only 200'. He is not clear what the road frontage number should be. Chairman says they discussed this before the meeting while checking Definitions in the code (Chapter 180.4 Lot Measurements) that it needs to be 80% of the required road frontage of 300' in RL3 zone which would be 240' and which still requires a variance of 40' vs 100'. We will include this in the motion for the record. If we deem it to be complete, we will have a public hearing and make a decision at that point. RS asks if he will have to send out notification letters again? Chairman explains this is a different reason for a public hearing so, yes, the public needs to be informed.

Chairman says there needs to be 100' between well & septic and needs to be 50' from the parcel side. RS says he has applied to the DOH but doesn't believe they will be able to review the application as they are very backed up. Chairman says that will be left to the Planning Board; it doesn't affect the ZB for this application for the road frontage variance and moves to deem this application to be complete and set for a public hearing with abutter letters, LG seconds, no further discussion, all in favor, motion carries.

Chairman also moves to deem this as a Type II action for SEQRA, LG seconds, no further discussion, all in favor, motion carries.

OTHER BUSINESS: Chairman returns the discussion to the Pohndorf application and doesn't see the well & septic on the map. Clerk will ask them to indicate it on their map before the May 23 meeting.

Approval of Minutes from prior month's meeting, February 22, 2024 SD said he has reviewed and has no changes. LG moves to accept the minutes from the Thurs, Feb 22, 2024, meeting; SD seconded, no further discussion, all in favor, motion carries to accept the minutes as written.

Communications: Email from Richard Sardo, representative for the Dymond Subdivision application that he will not act as representative for applications to town boards any longer and has recommended they hire an attorney. Chairman describes that Mr. Sardo was displeased with having to provide location of the septic on the smaller lot when in other applications it is not required. Chairman says the exact location is very important and was brought to our attention by the Planning Board. It was deemed technically completely, but during the public hearing it became clear that it needed to be located exactly.

LG I can understand his frustration being caught between the Planning and Zoning Boards. Chairman said what the PB is asking for could turn out to be substantial especially with the potential for a replacement structure 33% larger on a lot that is less than .5 an acre where a 1.5 acre is required, thereby reducing the area for the septic. He asks the members, do we deem the application as withdrawn and subject to resubmission? Or shall we consider it a suspension until the applicant returns with a new representative, keeping the public hearing open?

LG moves to continue to keep the Dymond Subdivision application open at this time and notifying them the public hearing will remain open and will continue until further determination by the board or the applicant, Chairman seconds, no further discussion, all in favor, motion unanimously carried. Clerk will draft a note to the applicant for the Chairman's review and signature.

Clerk reminds the board members about mandatory education webinars.

Adjournment SD moves to adjourn, Chairman seconds, no discussion, all in favor, meeting adjourns at 8:13 pm.

Next Meeting Date: Thursday, May 23, 2024 (deadline for materials May 13)

Post meeting discussion: Kent Pratt asks about the town zoning ordinance of 50' setback from the property line for septic when the County only requires 10'; should that be changed? Chairman says the town can be more restrictive than the county who might allow a lesser distance. Kent relies on the County to designate well & septic setback distances LG says it seems to be triggered when people subdivide. Kent says he didn't realize it was in the zoning ordinance until the last subdivision application when they were looking for a variance and the PB said it is 50'. The Building Dept typically has relied on the county distances. LG asks what is the rule? Kent says it's just the distribution box or the septic tank. We don't oversee it at all – the county does – so we don't don't ask permittees to place their well & septic on the plot plan because it's up to the county to determine. County looks at it in relation to the neighbor's well, but Bldg Dept leaves it to the County to determine. I think we should adopt the county's regulations and not have any contradictions.

Respectfully submitted
Dated 4/28/2024
P Fallon, Zoning Board Clerk

ZONING BOARD

Please print your name and address clearly for official Public Records.

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARINGS*
THURSDAY, May 23, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, May 23, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/yex-geup-ier or by calling (US)+1 314-649-9827 PIN: 229 405 598#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, April 25, 2024

Communications:

OLD BUSINESS / PUBLIC HEARINGS:

Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16. In addition, it is requested that a Building Permit for Fence be added to the the application nunc pro tunc

Application for minor subdivision front lot width variance from Roger Smith for property located at 493 State Route 295, Tax ID #56.-1-9.3

OTHER BUSINESS:

Next Meeting Date: Thursday, June 27, 2024 (deadline for materials June 17)

Adjournment

Dated 5/13/2024
REVISED 5/16/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

The Town of Chatham Zoning Board has scheduled **PUBLIC HEARINGS** on Thurs, May 23, 2024, 7PM at the Town Hall, 488 State Rte 295, Chatham, NY, to review applications 1) Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16 and 2) Road frontage variance from Roger Smith for property located at 493 State Route 295, Tax ID #56.-1-9.3 This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/yex-geup-ier or by calling (US)+1 314-649-9827 PIN: 229 405 598#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 5/13/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARINGS (2)*
THURSDAY, May 23, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Roger Smith, applicant ("RS")
Stephen Day, Deputy Chair ("SD")	Josh Thorson, applicant ("JT")
Adrian Ooms ("AO")	Kent Pratt, Chatham Code Enforcement Officer ("KP")
Lee Gagne ("LG")	
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman called the meeting to order at 7:07 pm and described the process for the public hearing when the public can make comments while it is open. After the public hearing is closed, the public meeting will commence when the board reviews the applications for completeness and the public may observe only. At tonight's meeting, there are two public hearings. He then introduced the board members and established that a quorum was present, then asked all to stand for the Pledge of Allegiance to the Flag.

Communications:

OLD BUSINESS / PUBLIC HEARINGS (2):

Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16. In addition, it is requested that a Building Permit for Fences be added to the original application nunc pro tunc Chairman moves to open the first public hearing regarding the first application for a setback variance from Joshua Thorson, 5 Pohndorf Drive, LG seconds, all in favor, the public hearing opens at 7:13 pm. He invites applicant, Joshua Thorson (JT) to the table to explain the application for the variance to demolish and rebuild a shed maintaining the same setback, but enlarging the structure to one side from 21' x 25' to 25' x 50'. Part two is to add an application for extending an existing 6' fence with an 8' high portion as well as a separate 8' fence on the other side, higher than the 6' limit in the code.

Board discusses that the submission of the second part for the application for fence variances is outside the required time limit for submission of materials prior to a meeting and therefore the general public hasn't been made aware of it as part of a public hearing. After some discussion and agreement from the applicant, LG moves to separate the fence variance application from the public hearing and discuss it further later during the public meeting; the original public hearing will remain open to discuss the original variance application, SD seconds; all in favor; motion carried to separate the fence variance application. Carrying on with the public hearing for the setback variances, Clerk reads the published

public hearing notice; Chairman asks the public for any comments; there being none, he moves to close the public hearing; SD seconds; all in favor, public hearing closed at 7:32 pm. The public meeting commences for the board to comment. LG says the questions from last month's meeting are answered on the annotated map showing utilities, well & septic, and he has presented the receipts from the neighbor notification letters. Applicant confirms he plans to proceed with the application he started with the Planning Board to combine the lots with a new survey, but wanted to see if the new structure would pass the Zoning Board before going to the expense. The new structure will be on the property line of one of the parcels before being joined.

Chairman starts the process of examining the application with the 5 criteria used for overall consideration of the application by the board:

1. NO detriment to neighboring properties; replacing a dilapidated structure with new is better
2. NO other means
3. YES substantial variance; ie. 15' vs 25' > 50%
4. NO adverse impact - will be an improvement
5. YES self created

Chairman asks if there is any reason this shouldn't be granted? LG moves to approve the request for a 15' variance for a replacement accessory structure conditioned on the Planning Board approving the merging of the 2 lots into one parcel with one tax ID; SD seconds; all in favor; application approved with conditions.

Application for minor subdivision front lot width variance from Roger Smith for property located at 493 State Route 295, Tax ID #56.-1-9.3 Applicant, Roger Smith (RS) approaches the table and describes again the application for a 40' road frontage variance being requested in order to have the Planning Board approve the subdivision of his property. Chairman moves to open the public hearing; LG seconds; all in favor, public hearing opens at 7:53 pm. Chairman asks for any public comment, there being none, he moves to close the public hearing, SD seconds, all in favor, public hearing closes at 7:55 pm.

Chairman starts the process of examining the application with the 5 criteria used for overall consideration of the application by the board:

1. NO will be difficult to tell if it's not the required road frontage
2. NO other means; only way is straight approach into the lot
3. NO min road frontage is to prevent keyhole lots; 40' variance >20% but <50%
4. NO adverse impact; average person going 60 mph won't notice
5. YES self created

LG moves to approve the variance of 40' road frontage; SD seconds; all in favor, motion for the variance approved and to follow the new tax ID for the new parcel when approved by the Planning Board.

NEW BUSINESS

Application for height variances for fences from Joshua Thorson on property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16 Applicant JT approaches the table to further review the new application for height variances for fences within his property lines. The board and Kent Pratt, Chief Code Enforcement Officer (KP), discuss at length the technical definition of fence height in the

town code of 6' maximum side & back not requiring setback variances. Applicant offers to provide some further detail which the Board concludes would be helpful. Chairman moves to deem the application incomplete subject to resubmission at the June 27 Zoning Board meeting; LG seconds; all in favor, motion passes.

APPROVAL OF MINUTES: from prior month's meeting, April 25, 2024. LG moves to approve as written; SD seconds, all in favor, minutes approved as written.

OTHER BUSINESS:

SD mentions he went by the Dymond parcel under consideration and agrees the board's request for specific location of septic was necessary.

Next Meeting Date: Thursday, June 27, 2024 (deadline for materials June 17)

Adjournment Chairman moves to adjourn, SD seconds, all in favor, meeting adjourned 9:00 pm

Respectfully submitted
Dated 5/28/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS 5/23/24 7PM**

Please print your name and address clearly for official Public Records.

Roger Smith 493 E 295 Chatham

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING THURSDAY, June 27, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, June 27, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/vbm-ajpg-rvn or by calling (US)+1 321-586-2482 PIN: 995 528 546#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes: from prior month's meeting, May 23, 2024

Communications: Dale Dymond provided recent septic tank inspection and report for their variance application on 4431 State Route 203.

OLD BUSINESS:

Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16. Board to discuss a new motion for the variance approval..

NEW BUSINESS:

Application for Area Variance for LLA from Tim Faxon for properties located at 71 White Bridge Road, Tax ID 25.4-1-30.2 & 93 White Bridge Road, Tax ID 25.4-1-30.1

OTHER BUSINESS:

Next Meeting Date: Thursday, July 25, 2024 (deadline for materials July 15)

Adjournment

Dated 6/17/2024
Revised 6/27/24
Zoning Board Clerk

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING
THURSDAY, June 27, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Cindi Elliott, applicant representative ("CKE")
Stephen Day, Deputy Chair ("SD")	Kent Pratt, Chatham Code Enforcement Officer ("KP")
Adrian Ooms ("AO")	
Lee Gagne ("LG")	
Melissa Voorhees Rouse ("MR") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman called the meeting to order at 7:02 pm and introduced the board members and established that a quorum was present, then asked all to stand for the Pledge of Allegiance to the Flag.

NEW BUSINESS:

Application for Area Variance between Tim Faxon, 71 White Bridge Road, Tax ID 25.4-1-30.2, and The Estate of Elizabeth Faxon, 93 White Bridge Road, Tax ID 25.4-1-30.1 RL2 Cindi Elliott, surveyor and applicant representative ("CKE"), described how the applicant, Tim Faxton, wants to change the lot line between his two properties, numbers 71 and 93. The purpose of the adjustment was to allow Tim to sell his grandparents' house, which is on the smaller parcel (number 93), while keeping his own house on the larger parcel (number 71). The adjustment requires an area variance, as it would reduce the size of parcel number 93 from 5.3 acres to 3.58 acres, and parcel #71 would revert to 5 acres for Tim's larger house, pool, etc. Tim wants to own more of his family's land and avoid purchasing woods from the neighboring property. He also wants to have ownership of the land where his underground power line was located.

The Board asks about location of well & septic, which CKE said would be added to the map, as well as contour lines, for her presentation to the Planning Board for the lot line adjustment on July 9. She understands the Zoning Board will require a public hearing at their July 25 meeting, but wanted to move this along as the parties are hoping to close on the sale of the house, but will proceed if the variance and lot line adjustments are not approved in time.

DP moves to deem the application complete and will have the clerk schedule a public hearing for the July 25 Zoning Board meeting, SD seconds; no further discussion, all in favor, the motion is carried. DP then moves to declare this application a Type II application for SEQRA because it is simply an area variance; SD seconds, no further discussion, all vote in favor, motion carries. DP reminds CKE of the notification letters which will need to be sent before the public hearing.

Approval of Minutes: from prior month's meeting, May 23, 2024 DP asks if everyone has reviewed the minutes and if there are any questions. He has one correction on page 2. No further changes being made, he moves to accept the minutes with one correction; LG seconds, no further discussion, all vote in favor, the minutes are accepted with one minor correction.

Communications: Dale Dymond provided recent septic tank inspection and report for their variance application on 4431 State Route 203. Discussion with KP regarding the leach field vs dry well/cistern. The report seems to be complete. Mr. Dymond told the clerk the well is to be inspected in the next week. DP moves to continue the Dymond public hearing for the variances (suspended after the February 22, 2024, Zoning Board meeting) for the July 25 Zoning Bd meeting and advises the clerk to publish it; SD seconds, no further discussion, all in favor to continue the public hearing if the information previously requested is presented in time for the public hearing and meeting. Clerk will advise Mr. Dymond.

OLD BUSINESS:

Application for Setback Variances from Joshua Thorson for property located at 5 Pohndorf Dr. Tax ID 47.2-1-15 & 47.2-1-16. DP explains that the variances requested for a replacement structure were approved (at the May 23, 2024 meeting) with the condition that the Planning Board approve the merger of the 2 parcels into one with a new tax ID. Since then, Tal Rappleyea, Town Attorney, advised that the applicant doesn't need Planning Board approval if both parcels are owned by the applicant. A surveyor can update the deed and submit it to the county clerk. The assessor can then assign a single new tax ID, allowing the building permit to move forward.

DP moves to revise the motion to approve the variances requested by the applicant be amended to 1) remove the restriction of going to the Planning Board and 2) must show they are a single lot with one tax ID to the Building Department for their building permit, LG seconds, no further discussion, all in favor, motion carries. KP will ask the applicant for status in obtaining survey, etc.

OTHER BUSINESS:

LG asks about finding an alternate member for the board as he will probably not be able to attend the July meeting.

Discussion about member education, including the 3 mandatory courses (Cyber Security, Harassment & Discrimination, and Workplace Violence), as well as 4 hours of pertinent courses.

Adjournment There being no further business, LG moved to adjourn, SD seconds, no further discussion, all in favor, meeting adjourned 7:50pm

Next Meeting Date: Thursday, July 25, 2024 (deadline for materials July 15)

Respectfully submitted
Dated 6/29/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

TOC ZONING BOARD

Date: THURS., JUNE 27, 2024 7PM

Please print your name and address clearly for official Public Records.

CYNTHIA K. ELLIOTT PO BOX 220
FEURA BUSH NY 12067

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARINGS*
THURSDAY, July 25, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, July 25, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/wzr-oxrn-aqj or by calling (US)+1 916-245-1091 PIN: 366 259 595#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes from prior month's meeting, June 27, 2024

Communications:

OLD BUSINESS / *PUBLIC HEARINGS*

Application for Area Variance from Tim Faxon for properties located at 71 White Bridge Road, Tax ID 25.4-1-30.2 & 93 White Bridge Road, Tax ID 25.4-1-30.1

Application for Setback Variances Part III from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22

NEW BUSINESS:

Application for Setback Variance from Aaron Jackson, 81 Loomis Rd., 67.-1-1.200, RL2

OTHER BUSINESS:

Next Meeting Date: Thursday, August 22, 2024 (deadline for materials August 12)

Adjournment

Dated 7/15/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a Public Hearing on Thurs July 25, 2024 7PM at the Town Hall, 488 Ste Rte 295, Chatham, NY, to review 1) an application for a variance from Tim Faxon at 71 White Bridge Rd, Tax ID 25.4-1-30.2 & 93 White Bridge Rd, Tax ID 25.4-1-30.1 and 2) the continuation of a public hearing to review application for variances from Dale & Linda Dymond, 4431 St Rte 203, Tax ID 14.1-1-22. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/gpd-jrys-ssz or by calling (US)+1 901-620-6348 PIN: 361 932 471#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 7/15/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARINGS
THURSDAY, July 25, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Cindi Elliott, applicant representative ("CKE")
Stephen Day, Deputy Chair ("SD")	Dale Dymond, applicant ("DD")
Adrian Ooms ("AO")	Rich Sardo, surveyor ("RS")
Melissa Voorhees Rouse ("MR") Remotely	Aaron Jackson, applicant ("AJ")
Absent: Lee Gagne	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman calls the meeting to order at 7:05 pm and introduces the board members in attendance and establishes that a quorum was present, then asks all to stand for the Pledge of Allegiance to the Flag. He then explains the process for public hearings, when the public is permitted to make comments, and public meetings when the public may observe only.

OLD BUSINESS / PUBLIC HEARINGS

Application for Area Variance from Tim Faxon for properties located at 71 White Bridge Road, Tax ID 25.4-1-30.2 & 93 White Bridge Road, Tax ID 25.4-1-30.1 RL2 Chairman moves to open the first public hearing for an area variance for Tim Faxon, SD seconds, no discussion, all in favor, public hearing opens at 7:06 pm. CKE, representing the applicant, advises the board that the Planning Board approved the lot line adjustment at their July 9, 2024, meeting, conditioned on approval of the variances by the Zoning Board and adding 2 notes to the map: calculate and add a note that the distance of the 2nd well on Tim Faxon's parcel is 50.8' from the property line, and add a note that "each resulting lot shall be a single and separate lot for zoning and tax purposes". Both of these have been done as she pointed out on the map on display. She further explains this second well was discovered when she was doing the survey and is used to fill Mr. Faxon's pool, separate from the well he uses for his dwelling. To have this well and his underground utilities all on his parcel are reasons they wish to reverse the change in lot lines back to 5 acres for Mr. Faxon at #71 and 3.58 for #73, which had been approved in 1987. Chairman asks for any public comment. Clerk advises two neighbors whose properties border Mr. Faxon's, advised by email they have no objection to the proposed variance. There being no further public comment, Chairman moves to close the public hearing, AO seconds, no discussion, all in favor, public hearing closes at 7:14 pm.

Chairman reminds the board the application had been deemed a Type II action for purposes of SEQRA when this application first came before the board June 27, 2024. He moves to grant the variance as requested, changing the lot at 93 White Bridge Road to 3.58 acres and the lot at 71 White Bridge Road to 5 acres, SD seconds, no discussion, all in favor, variance is granted.

Later in the meeting, Chairman returns to the Faxon Variance Application to review the 5 criteria by the board. It doesn't require the applicant or representative to be present.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. The board agrees it doesn't present a problem.
2. Whether the benefit sought can be achieved by a method other than a variance? Board agrees there is no other method.
3. Whether the requested area variance is substantial? Yes, but it is just switching back to the original size lots previously approved in 1987.
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? No
5. Whether the difficulty was self created. Yes

Chairman asks if anyone's opinion has changed due to these questions. There being none, SD says he doesn't see a need to redo the motion. Chairman confirms the motion is still in place to grant the variance. Chairman advises a Notice of Action will be prepared when the minutes of this meeting are approved at the next meeting in August, and filed with the Town Clerk for a permanent record.

Application for Setback Variances Part III from Dale & Linda Dymond for property located at 4431 State Route 203, Tax ID 14.1-1-22, H1 Chairman moves to open the public hearing for this application, SD seconds, no discussion, all in favor, public hearing opens at 7:19 pm. Mr. Dymond ("DD") tells the board that he wishes to separate this small parcel from his main property so he can prepare it for sale. It had been separated when State Route 203 was put in and has been there a long time. It used to have 2 mobile homes on it. DD repeated that he had provided the Zoning Board's requested reports on the septic system with photos from Baldwin Septic as well as a report on the well from Smith Wells.

SD asks about replacement of the mobile home. Mr. Dymond says he plans to replace it with one up to 30% larger, as he was advised by the Building Dept. is allowed. SD expresses concern about possible separation from the leach field; there is a dip from the parcel to the wetlands across Rte 203. DD says the septic tank and leach field are 115' apart. Short discussion that it is unlikely to happen. Chairman states his concern that this undersized parcel will exist in the hamlet area that should be 1.5 acres. This will be one third that size. Variances set precedents for the future. He realizes that the creation of Route 203 created this situation.

Chairman asks for any public comment, there being none, he moves to close the public hearing, SD seconds, no discussion, all in favor, public hearing closes at 7:32 pm.

The board proceeds to review the 5 criteria for overall consideration of the application:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. SD noted the parcel is atypical and preexisting. Chairman says it is substantially different from any in the hamlet but was created by Rte 203 which was out of the control of the property owner.
2. Whether the benefit sought can be achieved by a method other than a variance? Board agrees it cannot.
3. Whether the requested area variance is substantial? Yes
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? SD is concerned about the dip/depression.
5. Whether the difficulty was self created. Chairman says this is probably the first time the answer to this is no.

Chairman asks the clerk to confirm that receipts for notification letters to abutting parcel owners

were received in the file, and yes, they had.

SD moves to allow the variance as stated to be an undersized lot of 0.486 acres in a zone of 1.5 acres as all other setbacks are ok, AO seconds, no further discussion, 3 members vote aye, Chairman votes nay, motion carries.

Chairman advises the applicant that a Notice of Action will be prepared when the minutes of this meeting are approved and filed with the Town Clerk as permanent record. They may now proceed to the Planning Board for approval of the subdivision. Clerk confirms they are on the agenda for the Planning Board's August 13, 2024, meeting.

NEW BUSINESS:

Application for Setback Variance from Aaron Jackson, 81 Loomis Rd., 67.-1-1.200, RL2

Applicant, AJ, describes his proposal to build a new garage within 25' of the side setback. SD asks about the type of construction. AJ describes it as a simple design on an Alaskan slab. The kit will be delivered in 2 pieces and assembled by the Amish. RS asks if the board will require new survey distances drawn on the map. Chairman says not necessary, as it seems all is included with the application and notes on this map.

Chairman moves the application is complete, SD seconds, no further discussion, all in favor, motion carries to allow the variance. Chairman further declares this a Type II action. He reviewed the SEAF that it is complete while it wasn't necessary for this application. He advises clerk to publish a public hearing for the August 22, 2024, meeting which requires notification letters to be sent certified return receipt to abutters on the list to be provided by the clerk.

APPROVAL of MINUTES from prior month's meeting, June 27, 2024 Chairman asks if there are any changes to the minutes from the June 27, 2024, Zoning Board meeting. There being none, he moves to accept the minutes as written, SD seconds, no further discussion, all in favor, minutes accepted as written for the June 27, 2024 meeting.

OTHER BUSINESS: Clerk reminds members of education requirements.

Adjournment Chairman moves to adjourn, SD seconds, all in favor, meeting adjourned 8:08 pm.

Next Meeting Date: Thursday, August 22, 2024 (deadline for materials August 12)

Respectfully submitted
Dated 7/27/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS, JULY 25, 2024 7PM**

Please print your name and address clearly for official Public Records.

CYNTHIA H. EMMETT PO BOX 220 FEVER BUSH NY 12067

Richard Sando 135 GEORGE RD GIZENS NY 12075

Aaron Jackson 81 Loomis Rd Chatham NY, 12037

Wale Dymal 4331 ST RY 203 North Chatham

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARING*
THURSDAY, August 22, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, August 22, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/evi-wajy-wgm or by calling (US)+1 224-814-1314 PIN: 425 178 623#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes from prior month's meeting, July 25, 2024

Communications:

OLD BUSINESS / *PUBLIC HEARING*

Application for Setback Variance from Aaron Jackson, 81 Loomis Rd., 67.-1-1.200, RL2

NEW BUSINESS:

Application for a Fence Variance from Christopher White, 236 Shaker Museum Rd., 25.-1-20.120, RL2

OTHER BUSINESS:

Adjournment

Next Meeting Date: Thursday, September 26, 2024 (deadline for materials Sept 16)

Dated 8/12/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

PLEASE TAKE NOTICE the Town of Chatham Zoning Board has scheduled a Public Hearing on Thurs August 22, 2024 7PM at the Town Hall, 488 Ste Rte 295, Chatham, NY, to review an application for a Setback Variance from Aaron Jackson, 81 Loomis Rd., 67.-1-1.200, RL2. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/evi-wajy-wgm or by calling (US)+1 224-814-1314 PIN: 425 178 623#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 8/12/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARING
THURSDAY, Aug 22, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chair ("Chairman")	Aaron Jackson, applicant ("AJ")
Stephen Day, Deputy Chair ("SD")	Sarah & Keith Cihocki, neighbors of applicant
Adrian Ooms ("AO")	Evan Young, neighbor of applicant ("EY")
Melissa Voorhees Rouse ("MR") Remotely	? Jackson, father of applicant
Absent: Lee Gagne	Christopher White,, applicants (remotely) ("CW")

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman calls the meeting to order at 7pm, introduces the board members in attendance and establishes that a quorum is present, then asks all to stand for the Pledge of Allegiance to the Flag. He then explains the process for public hearings when the public is permitted to make comments, and public meetings when the public may observe only.

Communications: Clerk reads the public hearing notice that was published 8/13/24.

OLD BUSINESS / PUBLIC HEARING

Application for Setback Variance from Aaron Jackson, 81 Loomis Rd., 67.-1-1.200, RL2 SD moves to open the public hearing; Chairman seconds, no further discussion, all in favor, PH opens at 7:06 pm. Aaron Jackson, applicant ("AJ") describes his request for a 25 foot variance from the side boundary in order to build a garage on the flatest portion of his parcel. SD questions the computer diagram which is not to scale. AJ presents a survey with the garage placed on it to scale 24' x 32'. Chairman says this map will be substituted in the application file. AJ presents the receipts for the neighbor notification letters. Chairman asks for public comment. Keith Cihocki, neighbor, questions the location of the garage if it will be directly on their property line. It is explained that it will be 25 feet from the boundary of the Jackson parcel, but not the full 50 feet that is usually required. Mr. Cihocki seemed relieved to hear that. EY stands and speaks in favor of the applicant and his plans for the garage. There being no further public comment, Chairman moves to close the public hearing; SD seconds, MR has further comments about approving minimal setbacks and asking if it might be setting a bad precedent. Brief discussion ensues, and the board agrees it could become a problem in the future in certain circumstances. There being no further discussion, all board members vote in favor and the public hearing closes at 7:24pm.

Public Meeting resumes and the board reviews the 5 criteria for the application:

1. Whether this will create a detriment to nearby properties. The board agrees it doesn't present a problem.
2. Whether the benefit sought can be achieved by a method other than a variance? Board agrees the

- proposed site of the garage is the best on this parcel.
3. Whether the requested area variance is substantial? Yes, it is 50%, but as stated in #2, it is the best location on this parcel.
 4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? No
 5. Whether the difficulty was self created. Yes, most applications are.

Chairman moves to grant the 25 foot setback variance for the garage from the required 50 foot setback, SD seconds, no further discussion, all in favor, motion carries to grant the variance. Chairman explains there will be a resolution with tonight's approved minutes filed with the Town Clerk and become a permanent record for this parcel.

NEW BUSINESS:

Application for a Fence Variance from Christopher White, 236 Shaker Museum Rd., 25.-1-20.120, RL2 Christopher White, applicant ("CW") appears remotely and describes his request for a fence variance of 16 feet from the center of the road. He realizes this is well within the required distance of 75 feet, but explains his house is 50 feet from the center of the road. The purpose is for safety for family and animals. He describes the 4-slat open fence 52" high with 6" gap between slats along with a mesh gate. Chairman says they need a better depiction of the lot showing driveway, house, septic, etc., in a larger version than 8x11. Board inquires about need for height; if a 36" high fence there would be no need for a variance. CW explains their dogs would jump over anything lower. They have 3 dogs, 6 chickens, 2 ducks. Also it is the same as their neighbor's fence and others nearby on the road. Chairman says they may be non-conforming prior to the implementation of the zoning code. He says these approvals stay with the land. SD moves to deem the application substantially complete upon receipt of the additional survey map in larger format indicating the proposed line of the fence as well as well, septic and utilities, approximation ok, and with surveyor's stamp if available. Chairman seconds, no further discussion, all in favor, motion carries. Chairman instructs the clerk to publish a public hearing notice for the next ZB meeting, Sept. 26, 2024, and provide abutter addresses for the applicant to send notification letters. Chairman moves to declare this application a Type 2 for SEQRA with the short EAF form completed, requiring no further action of any other lead agency, SD seconds, all in favor. The applicant will be attending in person at the next meeting.

Approval of Minutes from prior month's meeting, July 25, 2024 Chairman asks if there are any changes to the minutes. There being none, SD moves to accept the minutes as written, Chairman seconds, no further discussion, all in favor, minutes accepted as written for the July 25, 2024 meeting.

OTHER BUSINESS: Discussion of changing the application fees for the 2025 budget. Board discusses raising the \$50 application fee to \$150, and adding the fee for public hearing notice, average \$50, to each application vs collecting an escrow fee for \$300. In most cases, the escrow fee is only used to cover the PH fee and the rest is returned to the applicant, creating extra paperwork for the clerk and the finance dept. In rare occasions, a second PH fee might be required, at which time it could be collected from the applicant. Any other fees that would possibly need to be covered by an escrow could be collected at the necessary time. The board therefore agreed to propose a new application fee of \$150 and eliminate the escrow payments until necessary.

Adjournment Chairman moves to adjourn, SD seconds, all in favor, meeting adjourns at 8:41 pm.

Next Meeting Date: Thursday, September 26, 2024 (deadline for materials Sept 16)

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS, AUG 22, 2024 7PM**

Please print your name and address clearly for official Public Records.

SARAH & Keith Cihocki	91 LOOMIS RD
Avon Jackson	81 Loomis Rd
Evan Young	144 Loomis Rd

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARING*
THURSDAY, September 26, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, September 26, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/xyh-rpmn-sxt or by calling (US)+1 971-220-6609 PIN: 785 192 418#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes from prior month's meeting, August 22, 2024

Communications:

OLD BUSINESS / *PUBLIC HEARING*

Application for a Fence Variance from Christopher White, 236 Shaker Museum Rd., 25.-1-20.120, RL2

NEW BUSINESS:

Application from Sumaya Conners and Leila Petersen, 2640 CR9, to Appeal and Request for Interpretation in Opposition of Issuance of Building Permit #2024-064 to Jeffrey Saunders, for property located at 2628 CR 9, Tax ID 57.-1-19.2 RL2

Application for Setback Variances from Donna & David Drimer, 6 Finch St., Tax ID 26.3-1-8 H1

OTHER BUSINESS:

Adjournment

Next Meeting Date: Thursday, October 24, 2024 (deadline for materials Oct 14)

Dated 9/16/2024
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

The Town of Chatham Zoning Board has scheduled a Public Hearing on Thurs September 26, 2024 7PM at the Town Hall, 488 Ste Rte 295, Chatham, NY, to review an application for a Setback Variance from Christopher White, 236 Shaker Museum Road, 25.-1-20.120 RL2. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/xyh-rpmn-sxt or by calling (US)+1 971-220-6609 PIN: 785 192 418#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 9/16/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARING
THURSDAY, Sept 26, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chairman ("Chairman")	Christopher White, James Baughman, applicants ("CW")
Stephen Day, Deputy Chairman ("SD")	Donna & David Drimer, applicants ("DD")
Adrian Ooms ("AO")	Leila Conners, applicant ("LC")
Lee Gagne ("LG")	Amy Lavine, atty for Conners ("AL")
Melissa Voorhees Rouse ("MR") Remotely	Kent Pratt, Code Enforcement Officer ("KP")
Donal Collins, TOC Supv ("DC") 8:30pm	Mbrs of Public Kate Butler, Deb Butler, Matthew Pirrone, Ashley Pirrone, Mathew Schmid

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman calls the meeting to order at 7:03pm, introduces the board members in attendance and establishes that a quorum is present, then asks all to stand for the Pledge of Allegiance to the Flag. He then explains the process for public hearings when the public is permitted to make comments, and public meetings when the public may observe only.

OLD BUSINESS / PUBLIC HEARING

Application for a Fence Variance from Christopher White, 236 Shaker Museum Rd., 25.-1-20.120, RL2 Applicant, Christopher White ("CW") approaches table to describe his proposed project. LG moves to open the public hearing, Chairman seconds, all in favor, the public hearing opens at 7:10pm. CW describes their plan to build what's called a horse fence around his property at 16' from the center of the road for safety reasons to keep in dogs, chickens and children, and not to impede our existing garden and will not impede road maintenance. The height will prevent dogs from jumping over it and is similar in style to the other fences neighboring their property and their house built in the 1840s is very close to the road. Chairman clarifies the setback for RL 2 is 50' plus the 25' for a town road which requires a variance of 59' from the required 75' from the center of the road so we understand why you're asking for the variance. CW says they are asking for the fence to be 16' from the center of the road which makes it a variance of 59'. SD asks about the fence line appearing on the map which appears to vary substantially as it moves along the road and property line. Your proposed fence will move along the road according to your property line and the greatest variance will be wherever your fence is closest to the road. LG adds that the goal is to grant the variance that will be the allowable distance along the length of the fence. CW confirms they will adhere to the same distance from the center of the road along the property line.

Chairman asks the clerk to read the public hearing notice that was published, confirm affidavit of publication and confirm receipt of neighbor letters.

Chairman asks for public comment, there being none, he asks for a motion to close the public hearing, SD moves, Chairman seconds, all in favor, public hearing closes at 7:20pm. The Public Meeting resumes and the board reviews the 5 criteria for the application:

1. Whether this will create a detriment to nearby properties? SD says it appears to be in keeping with other properties along the same roadway. Chairman does not disagree.
2. Whether the benefit sought can be achieved by a method other than a variance? Chairman says he doesn't believe this request can be achieved by any other way than a variance. SD agrees.
3. Whether the requested area variance is substantial? SD says yes, unless he moves his house back from the road ...
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? LG says the applicant has looked at neighbors' existing fences and has tried to balance the design and fit within the neighborhood. Chairman says particular parts of town make it difficult to do otherwise, but doesn't believe it will have an adverse impact.
5. Whether the difficulty was self created. Yes, most applications for variances are self-created..

Chairman moves to grant the requested variance of 59' with regard to placement of the fence for their property, LG seconds, Chairman reiterates it has been moved and seconded to grant the variance of 59' for a fence at 236 Shaker Museum Rd., 25.-1-20.120, and puts it to a vote, all in favor, motion is unanimously approved. CW says thank you very much.

NEW BUSINESS:

Application for Setback Variances from Donna & David Drimer, 6 Finch St., Tax ID 26.3-1-8 H1
Applicants, Donna & David Drimer ("DD") comes to the table and describe the proposal to install an inground pool in the backyard with a relatively minor variance on the 2 affected boundaries in order to create a safe passage to the barn. There seems to be some ambiguity about which road is the front of the property, the address is 6 Finch but the front of the house is on Albany Turnpike, which borders a right-of-way for a utility access. Both are town roads, so it's unclear which setbacks will apply to the variances they are requesting.

Board discusses determining which road is the front. LG says if your property is bordered by two roads, the front of your house is the address it has been assigned, in this case, Finch St. SD says then we are looking at the side yard for the setbacks, as the front of the house defines what the setbacks are for the side & rear; so you have more with Finch as the front than Albany Tpke. DD says the fence line to the center of Finch St. is 86' so we don't have a problem on that side, but the back might have a problem. KP asks if he can comment and says the Building Dept. had a question about this property vis-a-vis the fence ordinance which also needs to be taken into consideration as well as the structure of the pool itself. SD asks which is the length of the greatest boundary, Finch or Albany Tpke? DD says Finch St. SD clarifies on a corner lot it's front to side distance regardless of where the front door is located. KP believes the definition of the front is how a property fronts to a certain road unless otherwise determined by a board or decision to change it. Chairman says every house has to have road frontage. If it has 2 fronts we have to consider 2 front setbacks. SD says you can't have 2 fronts. LG says we should look at which generates the largest variance you can have looking at it from both sides. DD says we are 71.5' from Albany Tpke and 86' from Finch. Chairman says we are still at 7' and 5' variances?

Chairman asks for any further questions. SD asks if the application is now defined correctly its relationship to its boundaries? LG says it's kind of moot for this one because it's all 25' setbacks. Chairmanperson asks about septic and well which the applicant points out on the map photographs.

Chairman asks them to confirm the measurements which they say are accurate. LG moves that we deem the application for 6 Finch St pool & fence variances of 5' and 7' complete, tax ID 26.3-1-8, SD seconds, no further discussion, all in favor, the application is deemed complete. The clerk will publish a public hearing for the October 24 meeting at 7pm. Chairman moves to deem this a Type II action as it is solely a variance, LG seconds, no further discussion, all in favor, motion passes. Clerk will provide neighbor addresses and sample letter for notification to be sent via certified return receipt.

Application from Sumaya Connors and Leila Connors, 2640 CR9, to Appeal and Request for Interpretation in Opposition of Issuance of Building Permit #2024-064 to Jeffrey Saunders, for property located at 2628 CR 9, Tax ID 57.-1-19.2 RL2

- Timelines of appeal are questioned
- Connors and Lavine argued they were not given reasonable notice.
- The building permit was issued on May 13, 2024.
- There was not a building permit posted on the site.
- Connors learned about the permit on June 17, 2024, and contacted Levine on July 9, 2024.
- FOIL requests were sent on July 12, 2024, with full responses received by August 13, 2024.
- The foundation of the building is already in place.
- The appellants are concerned about setbacks and the need for a use permit.
- The decision on the timeliness of the appeal was deferred to the next meeting on October 24, 2024, to allow the property owner to be heard

Applicant Leila Connors ("LC") and Amy Lavine, attorney for applicant ("AL") describe the appeal of a building permit issued to a neighboring property. The first issue is the setbacks which were not included on the building application or the building permit that was issued so we would like to make sure the setbacks are in accordance with the required setbacks. The second issue is that the town zoning code requires a use permit be issued whenever a vacant property is converted from something other than agricultural and also for grading and filling activities, what that means and whether or not that needed to be done in this case. Chairman says we are concentrating on timeliness. Please explain that. Yes, as written in the letter of appeal, AL worked to submit this within the time limit of 60 days from the time they learned of the building permit (June 17) when the Building Inspector informed the applicant of the issuance of the building permit. AL states that she believes the ZB has the discretion to be flexible with this issue.

After June 17, LC got in touch w/attorney July 9. FOIL request sent to DEC for the wetlands permit with quick response, 2-3 days with the wetlands permit dated 3/6/24. First FOIL Request to Town Clerk July 12, received response July 30, 1 page of the DOH permit dated 6/5/11. and that nothing else was available in the town files. LC stated that she then called the Town Clerk on August 1 asking her to please check again, and she did end up finding many other files which she said were not in their usual ? when she first looked. I (Who is the "I" here - was it Leila Connors?) received the full FOIL response on Aug 13, which is when we first received a copy of the building permit.

Chairman asks LC if she had ever come to the town office to inquire about the parcel. LC said she had come a few times alone and with her mother to speak to the building department and the zoning board clerk, and her recollection was that any further action on the parcel would be brought to the neighbors' attention via a public hearing. Chairman asks if she had at any time come to look at the Department's records? LC says she didn't know what her rights were and didn't know she could look at her neighbor's files. The neighbors are interested in knowing what's going on. LC stated that everything was shut down and they were only told there would be a public hearing because the building

permit had expired. Her father was an assessor and wanted to buy the land but was told it was not a buildable lot. DEC told her and others that it was not a buildable lot. She stated that they are trying to understand how this got green lit somehow without a public hearing. They hired AL simply to see the permit, which, when they saw it without setbacks. And they just witnessed applications with fence setbacks, pool setbacks that require a public hearing. LC said they just want to know where the setbacks are; there are no setbacks on this permit.

KP says he can clarify the setbacks. He remembers when LC came to the building department several times and in 2023 we looked through the file. DEC approved the septic and the ZB had given it a variance for septic in 2013. DEC gave it a work permit in July 2014. KP stated that he discussed this with the applicant several times over the past four years. The septic on the survey map is a 10' variance. The scale is 1" = 20 feet, so this line of 2.5" represents 50 feet from the corner of the house. Septic setback line on the map was original and was given a variance of 50'. AL says it is not clear, and doesn't specify what the setbacks are on the building permit and whether they comply. KP says the setbacks are on this drawing and that's what he saw and measured and approved. AL says with all due respect it's not obvious to her as an attorney and very familiar looking at survey maps.

Chairman asks for a description of the timeline of meeting with the Conners. KP states he met with the Conners June 17 to inspect their new pool, together they walked to the top of the hill and looked at the neighboring property, and he advised them the building permit was issued in May. He continued the DEC was there Aug 2, based on a complaint from the Conners. He says the foundation is complete but doesn't know more than that. The building department didn't require a special use permit or further review with the DEC clearance for the septic, even though they didn't write them on the application the 50' setback.

Chairman stated again that the focus must be on the timeliness of this application; the applicants need to establish when they had reasonable notice that the permit was issued. LC asked KP whether they were supposed to issue a notice to the neighbors? Matt Pirrone ("MP"), member of the public, interrupted that he hadn't received a notice for this but had in the past for a simple subdivision. He has been calling DEC repeatedly to check on the status of this parcel and was told they will be shut down, consistently told nothing would be allowed to proceed. He stated that "if I thought that lot was buildable, I could have bought it, but everyone in the neighborhood thought it was unbuildable and all of a sudden it's buildable." He further said that they were advised there would be a public review and SEQRA, etc., none of that happened. Dump trucks and jack hammers are going in and out of there for probably 3-4 weeks. He also stated that he spoke to someone in the Town who said, "Oh no, there is no heavy machinery." "This process was not followed in the way it would have been followed had I been the applicant, and I don't like not having been notified."

KP cites correspondence with William Beautow from DEC re his inspections on Aug 2. My response to him Aug 5 agrees the site is tight but falls within town guidelines for setbacks and as far as he knew for DEC work permits based on his inspection. Beautow looks at DEC regulations re the wetlands, and KP looks at the zoning ordinance in the building code, and he didn't see any further need for review from any other board.

LC states she's a citizen as much as Aaron Gaylord but it seems he gets special treatment. SD replies that no one is implying she is not receiving the same treatment. "We are all part of this Town. We are trying to understand what you want us to do." LC says she would like a public hearing. SD asks if it is regarding the process we went through to grant the building permit or the fact that the public wasn't notified? LC says "Neither of those things. I want to know what the setbacks are and if they fall

within the laws of this town. What I'm trying to understand and my neighbors are trying to understand are the setbacks of this house. Then we were going to contest it, but no one is telling us. "

The Chairman explains to board members it's a 60-day appeal from the action of the Building Department. When it was issued on May 13, 2024, the 60 days began. He further pointed out that within that 60-day period to mid-June, there were now individuals who state they were not aware of the issuance of the permit because certain actions have been taken by the owner over the years - little steps from what he was hearing. On June 17, there was discussion about the building permit. Following that, Ms. Connors contacted Ms. Lavine on July 9, and on July 12 she issued FOIL requests first to DEC then to the Town Clerk about any documents or actions related to the Saunders property. DEC responded within 1-3 days with only the wetland permit.

AL stated: "I followed up with them that the property owner had a condition to notify DEC before any construction began and asked for that evidence. DEC responded in early August, around the same time I received the full response from the Town Clerk. The Initial response from the Town Clerk was one (1) page which was a letter from the County DOH from 6/5/2011 which didn't have relevance to this case. August 13 I received the full file from the Town Clerk after my phone call request for further information. As I understand it the folder wasn't where it normally would be for the Town Clerk to find."

Chairman asks her if there is anything else she would like to add. AL says it's in the ZB interest to exercise their jurisdiction here. "If you decide we are too late, my next step would be to file an Article 78 and seek a stay from the courts which would make the process that much longer ... Chairman: "OK, stop; it's almost becoming a veiled threat, and we (you?) don't want to go there."

The Chairman noted that the appeal arrived on September 5 to the zoning clerk. That was almost 4 months from the issuance of the permit. He asks the board members for comments or questions. AO says everybody learned it was a buildable lot in 2009. AL emphasizes again that June 17 was the starting date, and if the board decides in fairness to toll the time it took to get responses to the FOIL requests, and that they have more than enough discretion to address the appeal.

MP interrupts that Jeffrey Cox from the DEC told him it's not buildable and more recently protections became even stronger. The owner got wind of that and moved quickly before they were enforced. I never received notice anything was approved but had received assurances that nothing was going to proceed.

SD stated "If we are only discussing 60 days, I believe it has run out. I'm speaking as an individual, not for the Board, and my opinion is that you have a considerable grievance with DEC as opposed to the Zoning Board of Chatham. From what you have said the property owner was doing things on their property prior to applying for a building permit. I live in Chatham too and it seems to me that you feel you should have been notified about the permit being issued, but I don't know that the law requires that to have occurred. It's a completely different matter regarding what the ZB approved."

AL stated "We're asking the board to exercise its appellate jurisdiction like a judge and review the building permit that was issued by the building inspector. We're not claiming there should have been notice and there wasn't notice; we're asking to take a look at the setbacks and the use permit procedure in the code and explain if that procedure was followed. We don't have an argument with what the Zoning Board or the DEC has already done."

Chairman returns to the issue of timeliness vs the merits of the appeal. He stated "Any aggrieved person can appeal to this Board. The rules are a little different when it's an aggrieved person. The

courts allow a little leeway. It is judged on notice and were they reasonably apprised of the action to cause them to make an inquiry. That's the question in front of us tonight, the timeliness."

Matthew Schmid, member of the public, approaches the table to say the board's argument "doesn't make sense because people were constantly on that property, cutting down a tree, mowing, cars coming and going, so we don't know what the permitted activity was. We believed when something would happen we would be told. You asked the applicant before us to notify their neighbors." LG explains it's not necessary to come before the ZB if the applicant meets all the requirements. What you saw tonight, the applicant had an exception to the required setbacks which triggers a notification to the neighbors. LG continues that had the building permit generated unapproved setbacks encroaching on the 50 feet it would have generated a response from the Zoning Board to review and for the neighbors to be notified. AL states "We don't know that; the appeal is not about posting anything except with respect to the 60 days." MP asks if that is what is called a variance because he never received notice of the variance on this parcel in 2013.

KP comments that for 30 years he's been doing this work and has spent a lot of time with this property and files over the past several years with the same owner and the neighbor, the Connors.

LG states that he fully understands "you don't always know when your neighbor doesn't have a building permit and I'm sensitive to that; I understand both sides of this. What I'm struggling with is that it took 2 foil requests and I don't know whose block of time that is." Chairman says "The law doesn't provide for a tolling, but we are being asked to appeal to our sense of fairness to consider it because of a hiccup in the response; the question was there enough information back in mid-June to the residents that the building permit had been issued?. LG: I feel that they knew on June 17, but not all the details until August 13. Chairman says the problem is that we haven't educated our public about what they can do to come to the town hall or building dept. LG: the clock stops on Sept 5, the date the attorney's letter of appeal was received. Chairman: in mid-July they were waiting for the information and received it all on August 13, so what occurred between June 17 & July 9?

LC: I was out of town and left it in our attorney's hands.

AL: It's pretty remarkable she found me that quickly considering I am a very specialized zoning & planning attorney.

AL further states: There is a limited time to question but when you're talking about a neighbor who has issues with a neighbor, the courts have looked at that and determined it's not fair that a property owner who has been issued a permit can wait until 60 days to start their project and then post their permit but neighbors would have no chance to question it. Similarly, the board could consider the month it took me to get responses to my FOIL requests. We acted with as much haste as we could.

Chairman: asks about what happened June 17. LC: he (pointing to KP, Building Inspector) came over to inspect our pool. (Chairman advises her that his name is Kent Pratt.) We didn't know a building permit had been issued because he had been working on the parcel over years, but then we were assured by the clerk we would be notified by mail. I'm not making it up. Obviously, they don't want a public hearing because there are a lot of problems with the permit and the DEC. The FOIL response from DEC was 90% redacted. Variance against my property is 80%. I'm here on my dad's behalf. He died the week the public hearing was held that gave 80% variance against her property. Why does this individual get all the grace and we're not even given a public hearing. That's what I want to know. The entire neighborhood would like to be heard. We pay taxes, we are citizens. If you say it's a buildable lot, if that's actually true, that's fine. There are a lot of people aware of this issue and are watching what's happening.

AO says it was determined to be a buildable lot in 2009. He recalls Victor Borghi was furious with him because the DEC had approved the septic.

Discussion among the board members about next steps. Chairman suggests they can vote on this and issue a written decision thereafter, or we can put this over to the next meeting with consent and perhaps issue the written decision at that time. He states it is fair that the owner be made aware of this. Our last option with consent is to put it over to the next meeting and hear from the property owner.

AO weighed in that whenever he was issued a building permit, no one ever came to ask why. SD summarizes that you seem to be contesting the substance that the building owner should have gotten something more than a permit. AL: yes, that's part of it. And he SD continues that it's not fair that he now must come to defend what was allowed him by the town. Chairman: that's when we get to the merits. SD continues: if this map is correct, it's a legal document which states where things are, so if his building doesn't follow this survey, he would be in error. What is going to satisfy you that in fact this is all as it should be, beyond the notification of the neighbors? AL: if that's what the ZB decides we won't challenge that. It's the building permit that doesn't state the setbacks. We are arguing what the setbacks are. There are 2 issues, the other is whether the property owner was required to get a use permit under the chapter in the code. If the ZB finds it was a requirement, then we would want the ZB to annul the building permit until it's complied with.

Chairman thinks the property owner should be involved. LG: that's in the best interest of the affected neighbors. Chairman moves that, on consent, we put over a decision on this matter until at least the property owner has been given notice and an opportunity to be heard before this board at our next meeting on October 24, SD seconds. AL interjects and asks for a stay on the building progress. Chairman says no. LC: I don't want the house to be framed before all this is resolved. AL says they give consent to move it to the next meeting. There being no further discussion, 4 vote in favor, AO votes against, the motion passes 4 to 1.

Approval of Minutes from prior month's meeting, August 22, 2024 Chairman asks if there are any changes to the minutes. There being none, Chairman moves to accept the minutes as written, LG seconds, no further discussion, all in favor, minutes accepted as written for the August 22, 2024 meeting.

OTHER BUSINESS:

Board continues discussion of the applications and possible next steps.

Adjournment Chairman moves to adjourn, SD seconds, all in favor, meeting adjourns at 9:41 pm.

Next Meeting Date: Thursday, October 24, 2024 (deadline for materials Oct 14)

Respectfully submitted, 10/7/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS., SEPT. 26, 2024 7PM**

Please print your name and address clearly for official Public Records.

DAVID DONNA DRIMER
6 Finch St. Old Chatham 12136

CHRISTOPHER WHITE

236 SHAKER MUSEUM RD.

OLD CHATHAM

MATTHEW SCHMID 2640 County Route 9 East 12060

Kent Pratt CEO/CEO T/O CHATHAM

Leila Conners CEO TREE 2640 County Route 9
East Chatham, NY

JOE BUTLER 2329 County Rt 98 Chatham 12060

AMY LAMINE 205 LIBRARY ST #4 NEWBURGH NY 12550

Kate Buter

Matthew Pirrone P.O. Box 69 East Chatham, NY 12060

Ashley Pirrone P.O. Box 69 East Chatham, NY 12060

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w *PUBLIC HEARING*
THURSDAY, October 24, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a public meeting on Thursday, October 24, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/fdf-zdve-giv or by calling (US)+1 262-674-7803 PIN: 365 152 071#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes from prior month's meeting, September 28, 2024

Communications:

OLD BUSINESS / *PUBLIC HEARING*

Application for Setback Variances from Donna & David Drimer, 6 Finch St., Tax ID 26.3-1-8 H1

Application from Sumaya Conners and Leila Conners, 2640 CR9, to Appeal and Request for Interpretation in Opposition of Issuance of Building Permit #2024-064 to Jeffrey Saunders, for property located at 2628 CR 9, Tax ID 57.-1-19.2 RL2

NEW BUSINESS:

Application for Variance between House & Garage from Benjamin Block, 874 County Route 32, Tax ID 14.-1-77 RL1

OTHER BUSINESS:

Adjournment

Next Meeting Date: Thursday, November 28 (deadline for materials Nov 18)

Dated 10/14/24
Zoning Board Clerk

PUBLIC HEARING NOTICE
TOWN OF CHATHAM ZONING BOARD

The Town of Chatham Zoning Board has scheduled a Public Hearing on Thurs October 24, 2024 7PM at the Town Hall, 488 Ste Rte 295, Chatham, NY, to review an application for a Setback Variance from Donna & David Drimer, 6 Finch St., Tax ID 26.3-1-8 H1. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/fdf-zdve-giv or by calling (US)+1 262-674-7803 PIN: 365 152 071#.

Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 10/14/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING *w PUBLIC HEARING*
THURSDAY, Oct 24, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chairman ("Chairman")	Donna & David Drimer, applicants ("DD")
Stephen Day, Deputy Chairman ("SD")	Ben Block & Paige Ryan, applicants ("BB")
Adrian Ooms ("AO")	Leila Conners (LC) & Mathew Schmid (MS), applicants
Lee Gagne ("LG")	Amy Lavine, atty for Conners ("AL")
Melissa Voorhees Rouse ("MV") Remotely	Jeffrey Saunders ("JS"), prop owner
	Aaron Gaylord ("AG"), contractor
	Kent Pratt, Code Enforcement Officer ("KP")
	Donal Collins, TOC Supervisor (joined at 8:23pm)
	Mbrs of Public Kate Butler, Matthew Pirrone, David Levow, Jeanne Veillette Bowerman, Maurice Bowerman, Beth Anne Rippel (remotely)

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman calls the meeting to order at 7:02pm, introduces the board members in attendance and establishes that a quorum is present, then asks all to stand for the Pledge of Allegiance to the Flag. He then explains the process for public hearings when the public is permitted to make comments, and public meetings when the public may observe only.

OLD BUSINESS / PUBLIC HEARING

Application for Setback Variances from Donna & David Drimer, 6 Finch St., Tax ID 26.3-1-8 H1

LG moves to open the public hearing, SD seconds, all in favor, public hearing opens 7:09 pm. Donna & David Drimer come forward and describe their project to install an inground pool in the backyard best served by 2 minimum variances of 7' on the side (near the NYSEG ROW) and 5' on the rear property line. Chairman asks the clerk to read the public hearing notice that was published, confirm the affidavit of publication and confirm receipt of neighbor letters. Chairman then explains the procedure to review the 5 questions for the board to determine the acceptability of the application but first asks the public for any comments. There being none, Chairman moves to close the public hearing, LG seconds, all in favor, PH closes 7:14pm. Public meeting resumes, and the board reviews the 5 criteria:

1. Whether this will create an undesirable change to the neighborhood? SD says no; Chairman says the variance distances are small enough that it won't affect the neighbors.

2. Whether the benefit sought can be achieved by a method other than a variance? Chairman agrees it can't without impeding access to the barn.
3. Whether the requested area variance is substantial? LG says it is 20% on one side, 26% on the other side. SD says there being no public comments seem to indicate they have no problem with it.
4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? SD says no; LG doesn't believe it will.
5. Whether the difficulty was self created. Yes, if no pool, no requirement for a variance.

Chairman asks for a motion. LG moves to approve the application for variances as requested for 7' side and 5' rear for property at 6 Finch St., tax ID 26.3-1-8, AO seconds, all in favor, motion carries and application is approved.

Chairman declares to change the order of the agenda to have the new application come next and postpone the appeal from Connors to give enough time to it.

NEW BUSINESS:

Application for Variance between House & Garage from Benjamin Block, 874 County Route 32, Tax ID 14.-1-77 RL1 Applicants, Ben Block and Paige Ryan describe the garage that was constructed in 2022, but when they renovated the 2nd floor to a living space 30 x 36', it required more than the 8' separation from the house, so they are looking for a variance of 92' from the 100' required separation of 2 dwellings. Chairman describes that the board needs to determine if the application is complete before moving to a public hearing. Applicant further describes that he didn't have a definite idea of what he would do with the second floor at time of construction. Also, there wasn't sufficient space to build it farther away because of the topography. LG asks if the new apartment was tied into the existing septic. Applicant says yes. MV notices that drawings for the apartment were the same year as garage construction, 2022. Chairman asks about distances to the septic and well. BB tied in to both, probably 200' apart. SD comments on #5 in the SEAF if it is technically a zoning use. LG says it's checked yes, and it is as our current zoning allows, 2 residences on a single lot with required separations so the parcel can be subdivided. KP concurs, with approval of a variance. SD says the site map doesn't specifically locate the well and septic but thinks it should be measured and indicated on the drawing. LG asks if we want to know the shortest distance to the closest structure or distance from each other (well and septic)? Chairman says both. LG further says if you use a tape wheel to measure from the corners of each structure to the well and to the septic, we can determine their location relative to the structures and relative to each other. Chairman moves to deem the application for a 92' variance substantially complete upon provision of the required distances for the septic and well vis a vis the structures, prior to 10 days before the public meeting, LG seconds, all in favor, motion passes. The date of the next meeting for a public hearing will be determined, and they will be provided a list of abutters for the neighbor notification letters along with a sample letter to be sent certified, return receipt to be brought to the clerk.

Chairman moves to deem this a Type II action for SEQRA because it's an area variance over which the board can take lead agency, LG seconds, all in favor, motion carries.

OLD BUSINESS, CONTINUED:

Continuation of Application from Sumaya Connors and Leila Connors, 2640 CR9, Tax ID 57.-1-19.2 RL2 to Appeal and Request for Interpretation in Opposition of Issuance of Building Permit #2024-064 to Jeffrey Saunders, for property located at 2628 CR 9

Applicant Leila Connors ("LC") and Amy Lavine, attorney for applicant ("AL") come before the board. AL provided the authorization from the property owner, Sumaya Connors, to allow Leila

Connors to act as her agent in this appeal. AL describes the appeal to the board again that the new house is going to be very close to the property line and they have questions about what is going on. She describes the FOIL process and information she received included the building permit application that didn't show any setbacks. Also there seems to be a procedure under the zoning code requiring a use permit whenever a vacant parcel is converted from an agricultural use for fill and grading and it doesn't appear that procedure was followed in this case. As to the question of timeliness of the appeal, which was addressed last month, the permit was issued May 14, however the applicant didn't find out until July 17. We offered reasons to show that we took all due haste to file the appeal. Chairman says generally the appellate time is 60 days from the date an action took place, May 14 in this case, would have taken us to mid July under those straight parameters. What you are saying is that because this is an aggrieved person the rules might be different and that we have more discretion. AL says the rules are different, courts say it runs from when the neighbor has notice, which was June 17 not the date of issuance. Chairman asks when was the first time when it was noticeably visible to the applicant? AL doesn't have that date but the date of pool inspection was June 17 when there was some discussion of the building permit. After June 17, Leila contacted me on July 9.

The board heard from various parties, including the property owner and his contractor, who was a previous owner of the parcel, as well as neighbors, about the history and visibility of the construction and unsubstantiated understanding that it was an unbuildable lot.

Chairman - we are really focusing on the timeliness of this appeal, not the merits. If it is timely we will set it down for a hearing. But I am still trying to figure out the timeframes here in all fairness because we are clearly outside the timeframe that the law provides for an appeal. Ms. Lavine believes case law extends that and we have to review other factors.

LG was looking over Zoning Board Minutes July 25, 2013 and saw this was a buildable lot since 1982 and revised in 1987 when a subdivision map shows it was a buildable lot. That's a public record from 2013. Chairman asks if the placement of the septic system was the key issue in whether that would be a buildable lot or not? AG: the condition for whether or not it's a buildable lot is if you have space from 100' buffer zone from what NYS delineates, designates, and flags as the edge of a wetland, you measure in and the space left over is useable, buildable containment without any issue and that's exactly what our engineering plan shows.

LG noted the design required sand filtering, modern for that time, cutting edge stuff. AG yes, we had to have the base, get red wing sand only, it had to be a certain diameter, it had to be tested multiple times. LG so it was engineered specifically for that location. AG yes.

Chairman asks for any further comments from AG & JS and the board members. AOoms says when the lot was for sale, the neighbors should have bought it.

Chairman asks for any more comments. We don't have a public hearing set. The board has the unique ability to write a written decision weighing all these divergent accounts, and will therefore make a motion that a written decision be issued at the next meeting with regard to the timeliness of this application; SD seconds; any further discussion? LG asks if they will only decide on the timeliness, Chair says yes. AO again says they should have bought the property to protect it. No further discussion, Chair asks for vote on the motion, all in favor, motion passes.

Chair says the date for the next meeting falls on Thanksgiving, so the board will decide on a new date and advise AL and post it on the town website, likely to be the first or second week of December.

Chair asks Town Clerk, Beth Ann Rippel ("BR"), who is on the call, about the time frame of the FOIL request. BA says without checking her records, she recalls she had a question about the tax map number, but she has all the correspondence with AL. Chair asks for that correspondence to be provided to the Zoning Board from both BR & AL.

Approval of Minutes from prior month's meeting, September 26, 2024 Chairman asks if there are any changes to the minutes. There being none, Chairman moves to accept the minutes as written, LG seconds, no further discussion, all in favor, minutes accepted as written for the September 26, 2024 meeting.

OTHER BUSINESS:

The vote to provide a written resolution on the Connors appeal has a 62-day term from today to prepare with assistance of the Town Attorney. Our next meeting will be within that time frame. This will need to be read in front of the public.

Clerk made a call to Tal, and he agreed to do it and would conduct individual interviews with each board member for their opinion and then prepare a resolution. He has gone in front of the appellate division on that exact issue in Copake because 1) there is never a quorum, and 2) it is an attorney-client discussion which is also an exception to the open meetings law.

Clerk reminds the board members of obligatory courses to take by year end (Cyber Security, Harassment & Discrimination, Workplace Violence).

Adjournment Chairman moves to adjourn, LG seconds, all in favor, meeting adjourns at 9:29 pm.

Next Meeting Date: Thursday, December 12, 2024 (deadline for materials Dec 2)

Respectfully submitted, 11/26/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS., 10/24/24, 7PM**

Please print your name and address clearly for official Public Records.

David, Donna Drimer 6 Finch St.

Aaron Grayford Box 241 Chatham Vly

Ben Block 874 County Rte 32 Northam NY

Matthew Smith County Route 9 E Chatham 12060

Leif Conner 2640 Bridge Rd 9 East Chatham 12060

Jeff Saund 2628 Aug Rt 9 " 12060

Eddie Cassa 2602 Aug Rte 9 " 12060

Kent Pratt CEO/ZEO

Dan Levon Chatham

Matthew Picone E. Chatham 2605 CR 9

Amy Irvine 205 Liberty St. Newburgh NY 12550

Maurice Bowerman East Chatham, NY 12060

Jeanne Bowerman 2631 City Rte 9, E. Chatham, NY

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
SPECIAL PUBLIC MEETING w *PUBLIC HEARING*
THURSDAY, December 12, 2024, 7PM
AGENDA

PLEASE TAKE NOTICE that the Town of Chatham Zoning Board has scheduled a special public meeting on Thursday, December 12, 2024 at 7PM. This will be an in-person meeting at the Town of Chatham Town Hall, 488 State Route 295, Chatham, New York, where the public can join in person or with Google Meet meet.google.com/yem-wcqs-qoz or by calling (US)+1 424-523-0671 PIN: 614 145 001#. Copies of the application materials are available for public review at the Town Hall, Mondays & Thursdays 9:30AM-3:30PM.

The following matters will be discussed at the meeting:

Call meeting to order, Pledge of Allegiance, Establish a Quorum

Approval of Minutes from prior meeting, October 24, 2024

Communications:

OLD BUSINESS

PUBLIC HEARING

Application for Variance between House & Garage from Benjamin Block, 874 County Route 32, Tax ID 14.-1-77 RL1

NEW BUSINESS

Application for setback variance from Donald Harwood and Courtney Hunt located at 2732 CR9, Tax ID 47.-1-64 RL2

OTHER BUSINESS:

Adjournment

Next Meeting Date: Thursday, January 23, 2025, 7PM (deadline for materials Jan 13)

Dated 12/2/24
Zoning Board Clerk

PUBLIC NOTICE *w* PUBLIC HEARING
Change of Meeting Date
TOWN OF CHATHAM ZONING BOARD

The Town of Chatham Zoning Board has scheduled a special Public Meeting with a Public Hearing on Thurs, December 12, 2024 7PM at the Town Hall, 488 Ste Rte 295, Chatham, NY, to review an application for a Variance between house & garage from Benjamin Block, 874 County Route 32, Tax ID 14.-1-77 RL1. This is an in-person meeting where the public can join in person or with Google Meet meet.google.com/yem-wcqs-qoz or by calling (US)+1 424-523-0671 PIN: 614 145 001#. Copies of the application materials are available for public review at the Town Hall, M&Th 9:30AM-3:30PM. Dated 12/2/24

TOWN OF CHATHAM ZONING BOARD
Columbia County, New York
PUBLIC MEETING w PUBLIC HEARING
THURSDAY, December 12, 2024, 7PM
MINUTES

<u>ZBA Members Present:</u>	<u>Public Present:</u>
Daniel Persing, Chairman ("Chairman")	Ben Block & Paige Ryan, applicants ("BB")
Stephen Day, Deputy Chairman ("SD") Remotely	Donald & Courtney Harwood, applicants
Adrian Ooms ("AO")	Marc Bailey, architect, rep for Harwood app "MB"
Lee Gagne ("LG")	Donal Collins, TOC Supervisor (joined at 8:23pm)
Melissa Voorhees Rouse ("MV") Remotely	

Location: in-person meeting using Google Meet hosted from Chatham Town Hall, 488 State Route 295, Chatham, NY.

Call meeting to order, Pledge of Allegiance, Establish a Quorum The Chairman calls the meeting to order at 7:03pm, introduces the board members in attendance in person and remotely and establishes that a quorum is present, then asks all to stand for the Pledge of Allegiance to the Flag. He then explains the process for public hearings when the public is permitted to make comments, and public meetings when the public may observe only.

OLD BUSINESS / PUBLIC HEARING

Application for Variance between House & Garage from Benjamin Block, 874 County Route 32, Tax ID 14.-1-77 RL1

Clerk reads the published public hearing notice for which an affidavit was provided and confirms the receipts for neighbor notification letters were provided by the applicant. Chairman moves to open the public hearing, SD seconds, all in favor, public hearing opens 7:07 pm. BB describes again the application for a variance between the garage and the house, currently 8' apart, now that a dwelling has been created on the second floor of the garage for which a permit was not acquired. This now requires a 92' variance. Chairman then explains the procedure to review the 5 questions for the board to determine the acceptability of the application but first asks the public for any comments. There being none, Chairman moves to close the public hearing, LG seconds, all in favor, PH closes 7:12pm. Public meeting resumes, and the board reviews the 5 criteria:

1. Whether this will create an undesirable change to the neighborhood? Board agrees no.
2. Whether the benefit sought can be achieved by a method other than a variance? LG says they still have outstanding violations with the Building Dept with a new bedroom in the basement of the house and asks if he has stopped that renovation? BB answers the bedroom in the basement of the house was finished before the garage apt was initiated for which a permit also was not acquired. The short term rental application was denied for the house which needs to be corrected. The garage was completed 1.5 years ago. The answer to this question is therefore no other method to achieve this variance as all the work has been done and he is trying to be put into compliance.
3. Whether the requested area variance is substantial? LG says a 92' variance is very substantial.

4. Whether the requested variance will have an adverse impact on the physical or environmental condition of the neighborhood? LG says there is an issue related to the current zoning; but if that is revised, it won't be a problem.
5. Whether the difficulty was self created? Yes, absolutely.

Chairman has another question: is it in compliance with the Comprehensive Plan? There should have been much more space between the buildings. LG says the challenge is he is allowed to build a garage 8' from house, and the roofline didn't change when 2nd floor was filled in with the apt, so it's a gray area because the look, shape didn't change, only the functionality. Chairman asks if we are only to consider what is seen from the outside, or does it involve density? LG from the pure technical piece, you have a septic system that can accommodate 3 bedrooms so you didn't exceed the density with a 2-bedroom house and 1 bedroom apt. MV in the last meeting it seemed there was foresight to plan for the space and if you were considering it, you should have applied for the permit at that time. BB replies original plan was to use the garage for storage and being unsure of the use for the 2nd story, he had an engineer create some options for either an office or bedroom apt. but wasn't planning to proceed until finances changed.

Chairman confirms that the sketch has been updated with distances between well and septic. There being no further questions, he asks for a motion. LG moves to approve the application from Ben Block at 14.-1-77 for a variance for a 92' variance between house & garage which now has a 1 bedroom apt, AO seconds. Chairman asks for further discussion and puts it to a vote, LG, SD, AO vote in favor; Chairman & MV vote against; the motion passes 3 to 2.

Chairman describes that a resolution will be prepared and filed with the approved minutes of this meeting with the town clerk as a permanent record.

NEW BUSINESS:

Application for setback variance from Donald Harwood and Courtney Hunt located at 2732 CR9, Tax ID 47.-1-64 RL2

Marc Bailey (MB), Architect/applicant representative, describes the project to add a section to the existing house that will require a 31' variance to the center of the road (currently 19' from road center). The existing home sits almost 90% within the required setback. MB points out the DEC flagged potential wetlands but they are actually across the road; also the potential presence of a major bat, but can be mitigated with tree trimming at certain times of year. Chairman notes SEAF needed to be signed (which MB did and will be refilled). Board carefully reviews the application and photos. Chairman asks for further questions; there being none, he moves to deem the application at 2732 CR 9, tax ID 47.-1-64 substantially complete for a 31' variance; LG seconds; without further discussion, all in favor, motion passes. Chairman further moves to deem this application as a Type II for SEQRA action as it is a variance request; LG seconds; all in favor, motion carries.

Chairman instructs the clerk to publish a public hearing before the next meeting on 1/23/25 which requires the applicant to send notification letters via certified and return receipt to neighbors whose addresses will be provided by the clerk with a sample letter.

Approval of Minutes from prior month's meeting, October 24, 2024 Chairman asks if there are any changes to the minutes. There being none, Chairman moves to accept the minutes as written, LG seconds, no further discussion, all in favor, minutes accepted as written for the October 24, 2024 meeting.

OTHER BUSINESS:

Chairman reviews the status of the Conners application for appeal. Tal advised that if they wished to be removed from tonight's agenda, they had to grant an extension of the time of 62 days for the decision that will be prepared by the board. That extension was granted by the applicant's representative by email which Tal said would suffice. They have therefore been moved to the 1/23/25 meeting when the board's decision will be rendered. Tal will be contacting each board member individually and compiling the responses in a decision based solely on the timeliness of their appeal.

Clerk reminds the board members of obligatory courses to take by year end (Cyber Security, Harassment & Discrimination, Workplace Violence).

Adjournment LG moves to adjourn, AO seconds, all in favor, meeting adjourns at 7:49 pm.

Next Meeting Date: Thursday, January 23, 2025 (deadline for materials Dec 32, 2024)

Respectfully submitted, 12/21/2024
P Fallon, Zoning Board Clerk

MEETING ATTENDANCE SIGN-IN

ZONING BOARD

Date: **THURS., DEC. 12, 2024 7PM**

Please print your name and address clearly for official Public Records.

Ben BLOCK 874 County Route 32, North Chatham

Don Harwood County Rd 2732 County Rt 9, E. Chatham